

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANDREW GRIFFITHS,)	CASE NO. 4:23CV199
)	
Petitioner,)	JUDGE JOHN R. ADAMS
)	
v.)	
)	
)	<u>ORDER AND JUDGMENT ENTRY</u>
WARDEN FERNANDA GARZA,)	
)	
Respondent.)	

In this petition, Petitioner Andrew Griffiths contends that the Bureau of Prisons is improperly refusing to allow him to accrue credits under the First Step Act due to a detainer. However, subsequent to Petitioner's filing, "on February 6, 2023, the BOP issued Change Notice-1 to Program Statement 5410.01, First Step Act of 2018 – Time Credits: Procedures for Implementation of 18 U.S.C. § 3632(d)(4) ... which ... removed unresolved pending charges and/or detainees as a disqualifying factor for the application of FSA earned time credits." *Alatorre, v. Warden Derr*, No. CV 22-00516 JMS-WRP, 2023 WL 2599546, at *2 (D. Haw. Mar. 22, 2023). Accordingly, Petitioner is no longer ineligible and there no longer exists a case or controversy for this Court to resolve. Accordingly, this petition is hereby DENIED AS MOOT, and this matter is hereby DISMISSED.¹ See *id.* at *5-6.

IT IS SO ORDERED.

Date: March 29, 2023

/s/ John R. Adams
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE

¹ A review of the BOP website indicates that as a result of this policy, Petitioner was released from custody on February 16, 2023.